

GOVERNMENT PERSONNEL

COMPENSATION

Secret agent allegedly employed by President during World War II for counterespionage work cannot maintain Court of Claims suit to recover compensation and expense allowance.

The court is not permitted to allow recovery in a case of this kind under a rule of law clearly stated in the Civil War case of Totten v. United States, 92 U.S. 105, as follows: "If upon contracts of such a nature an action against the Government could be maintained in the Court of Claims, whenever an agent should deem himself entitled to greater or different compensation than that awarded to him, the whole service in any case, and the manner of its discharge, with the details of dealings with individuals and officers, might be exposed, to the serious detriment of the public. A secret service, with liability to publicity in this way, would be impossible; and, as such services are sometimes indispensable to the Government, its agents in those services must look for their compensation to the contingent fund of the Department employing them, and to such allowance from it as those who dispense that fund may award. The secrecy which such contracts impose precludes any action for their enforcement. The publicity produced by an action would itself be a breach of a contract of that kind, and thus defeat a recovery."

--U. S. Ct. Cls. (Per Curiam); Tucker v. United States, February 2, 1954.

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